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NUCLEAR RESEARCH, DEVELOPMENT AND DEMONSTRATION ACT OF 1980

SEPTEMBER 4, 1980.—Ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

COMPLETED ORIGINAL

SUPPLEMENTAL REPORT

[To accompany H.R. 7418]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7418) to establish a research, development, and demonstration program for the disposal of radioactive wastes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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(3)

Role of the States

This bill does not contain adequate provisions guaranteeing the States will fully participate with the Federal Government in selecting and licensing nuclear waste disposal sites.

Congressman Kostmayer proposed in the Interior Committee, and will do so again on the floor, language requiring both Houses of Congress to override a State's objections to a waste site within its borders. The amendment, which failed by a vote of 21 to 20, would allow an affected State to petition the Congress to block the decision of DOE and the President to proceed with licensing of a waste site. The Federal Government would then have the burden of demonstrating why the State's objections should be overriden, which would require a concurrent resolution of disapproval by Congress. The right of Congress to prevail in the national interest would be preserved.

The threat of a "State Veto" would help to insure that the DOE would aggressively enlist the support and cooperation of the States. This in turn would help to insure the technical soundness of the siting proposal and the political support necessary for its implementation.

This is not a case of the Congress, through a legislative veto, overturning an agency's rules and regulations. We are talking here about one (1) licensing project sometime near the end of the decade involving the permanent disposal of intensely radioactive waste for thousands of years.

Instead, the Committee adopted a weakened amendment upholding a State's objections to selection of a waste site only if approved by at least one House. If a State could not convince one House of Congress that its objections to a waste site were legitimate, the project would proceed over the State's objections.

We also expect that when the bill is considered on the floor, amendments strengthening the role of the States even further than the Kostmayer amendment will be offered. For example, many States which have been considered as possible host States for the Nation's first nuclear waste site oppose any Federal role whatsoever, favoring instead an absolute State veto over site selection. In fact, this has been the position of the National Governors Association (NGA) for the past two years.

Together with the detailed procedures for State participation that the bill already contains, the amendment offered by Mr. Kostmayer is the only way to insure that the States' role will be meaningful and constructive, and not perfunctory. By providing the States with true concurrence in key Federal decisions on nuclear waste, and at the

same time preserving the right of Congress to override the State, the proper balance between Federal and State concerns will be maintained.

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